

ORDINANCE NO. 2015-12

AN ORDINANCE ANNEXING A CERTAIN 11.055 ACRE TRACT OF LAND SITUATED IN THE FRANCISCO DE LA PINA SURVEY, ABSTRACT NO. 688, COLLIN COUNTY, TEXAS, RECORDED IN VOLUME 6066, PAGE 556 OF THE DEED RECORDS COLLIN COUNTY, TEXAS; AND A CERTAIN 21.05 ACRE TRACT OF LAND SITUATED IN THE FRANCISCO DE LA PINA SURVEY, ABSTRACT NO. 688, COLLIN COUNTY, TEXAS, RECORDED IN DOCUMENT NUMBER 20070621000849710, OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY TEXAS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Wylie, Texas ("City Council") under the authority of Section 43.021, Local Government Code and the City of Wylie, Texas' (Wylie) Home Rule Charter, investigated and determined that it would be advantageous and beneficial to Wylie and its inhabitants to annex the below-described property (the "Property") to Wylie; and;

WHEREAS, prior to conducting the public hearings required under Section 43.063, Local Government Code, the City Council also investigated and determined that the Property is within the extraterritorial jurisdiction of Wylie and is adjacent and contiguous to the existing city limits of Wylie; and

WHEREAS, before the publication of the notice of the first public hearing regarding the annexation of the Property, the City Council directed the appropriate persons to prepare a service plan that provides for the extension of full municipal services to the Property to be annexed; and

WHEREAS, the City Council finds that the Service Plan (EXHIBIT "C") has been prepared in full compliance with Section 43.056, Local Government Code, and has been made available for public inspection and was available for explanation to the inhabitants of the Property at the public hearings; and

WHEREAS, the City Council finds that the field notes close the boundaries of the Property being annexed; and

WHEREAS, the City Council has conducted at least two (2) public hearings at which persons interested in the annexation were given an opportunity to be heard regarding the proposed annexation and the proposed service plan; and

WHEREAS, the City Council finds that the public hearings were conducted on or after the fortieth (40th) day but before the twentieth (20th) day before the date of institution of the annexation proceedings; and

WHEREAS, the City Council finds it has completed the annexation process within ninety (90) days after the City instituted the annexation proceedings; and

WHEREAS, the City Council finds that all legal notices, hearings, procedures and publishing requirements for annexation have been performed and completed in the manner and form set forth by law.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS:

SECTION 1: That the Comprehensive Zoning Ordinance of the City of Wylie, Texas, be, and the same is hereby, amended by amending the Zoning Map of the City of Wylie, to give the hereinafter described property a new zoning classification of Agriculture/30 (A/30) District, said property being described in Exhibit "A" (Legal Description) attached hereto and made a part hereof for all purposes.

SECTION 2: That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3: That the above described property shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City, as amended herein by the granting of this zoning classification.

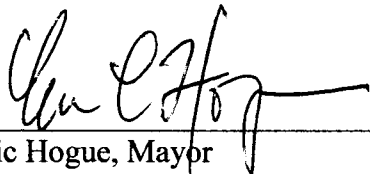
SECTION 4: Any person, firm or corporation violating any of the provisions of this ordinance or the Comprehensive Zoning Ordinance, as amended hereby, commits an unlawful act and shall be subject to the general penalty provisions of Section 1.5 of the Zoning Ordinance, as the same now exists or is hereafter amended.

SECTION 5: Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

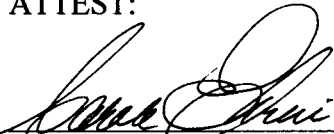
SECTION 6: This ordinance shall be in full force and effect from and after its adoption by the City Council and publication of its caption as the law and the City Charter provide in such cases.

SECTION 7: The repeal of any ordinance, or parts thereof, by the enactment of this Ordinance, shall not be construed as abandoning any action now pending under or by virtue of such ordinance; nor shall it have the effect of discontinuing, abating, modifying or altering any penalty accruing or to accrue, nor as effecting any rights of the municipality under any section or provisions of any ordinances at the time of passage of this ordinance.

DULY PASSED AND APPROVED by the City Council of the City of Wylie, Texas, this 24th day of February, 2015.


Eric Hogue, Mayor

ATTEST:


Carole Ehrlich, City Secretary

DATE OF PUBLICATION: March 4th, 2015, in the Wylie News

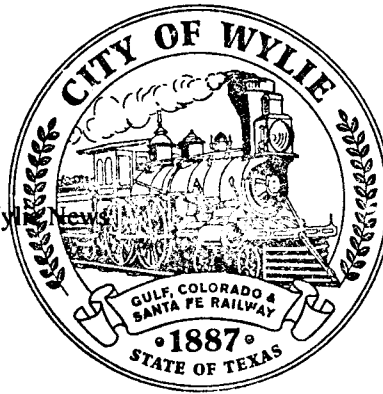


EXHIBIT "A"

FIELD NOTES/ LEGAL DESCRIPTION

BEING a 11.055 acre tract of land situated in the Francisco De La Pina Survey, Abstract No. 688, Collin County, Texas, recorded in Volume 6066, Page 556 of the Deed Records Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron pipe found for corner for the Northwest corner of said 11.055 acre tract, also being the Southwest corner of Avalon Addition Phase 2 recorded in Instrument 20060407010001370 of the Plat Records Collin County, Texas, and being in the East line of the Housewright tract recorded in Volume 1078, Page 97 of the Deed Records Collin County, Texas;

THENCE South 88 degrees 50 minutes 56 seconds East leaving the East line of said Housewright tract and leaving said Avalon Addition, along South the line of a 40 acre tract of land as recorded in Volume 2787, Page 248 of the Deed Records Collin County, Texas, a distance of 734.09 feet to a 5/8 inch iron rod set with cap stamped ADAMS SURVEYING #5610 for corner, being the Northeast corner of said 11.055 acre tract and in the South line of said 40 acre tract;

THENCE South 0 degrees 32 minutes 8 seconds East leaving the South line of said 40 acre tract along the West line of a 11.006 acre tract of land described to Beatriz Chavez recorded in Instrument 20090210000137050 of the Deed Records Collin County, Texas, and a 5.70 acre tract of land described to Kikuchi Living Trust recorded in County Clerk File No. 95-0091053 of the Deed Records Collin County, Texas, a distance of 653.40 feet to a 1/2 inch iron pipe found for corner being the Southeast corner of said 11.055 acre tract;

THENCE North 88 degrees 33 minutes 34 seconds West, leaving the West line of said Kikuchi Living Trust along the North line of a 21.05 acre tract of land described to William Talbert as recorded in Instrument 20070621000849710 of the Deed Records Collin County, Texas, a distance of 743.57 feet to a 1/2 inch iron rod found for corner in the East line of a 0.724 acre tract as described to Robert C. and Elaine C. Schraplau recorded in Volume 5255, Page 410 of the Deed Records Collin County, Texas;

THENCE North 0 degrees 54 minutes 14 seconds West, leaving the North line of said Talbert tract and along the East line of said 0.724 acre tract passing a 3/8 inch iron found at a distance of 83.67 feet for the Northeast corner of said 0.724 acre tract and along the East line of said Housewright tract a total distance of 649.42 feet to the POINT OF BEGINNING and containing 11.05 acres of land, more or less.

Adams Surveying Company, LLC
1475 Richardson Drive, Suite 255
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Office 469-317-0250

Philip E. Adams, RPLS
President

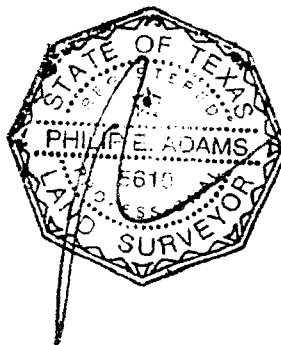


EXHIBIT "A"

FIELD NOTES/ LEGAL DESCRIPTION

BEING a 21.05 acre tract of land situated in the Francisco De La Pina Survey, Abstract No. 688, Collin County, Texas, recorded in Instrument number 20070621000849710, Deed Records, Collin County, Texas, to William R. Talbert and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for the Northwest corner of said Talbert tract, also being the Southwest corner of a 11.05 acre tract of land recorded in Volume 6066, Page 556 Deed Records Collin County, Texas, to William R. Talbert, and being in the East line of a 0.724 acre tract of land recorded in Volume 5255, Page 410, Deed Records, Collin County, Texas, to Robert C. and Elaine C. Schraplau;

THENCE South 88 degrees 33 minutes 34 seconds East leaving the East line of said Schraplau tract, along the common North line of said 21.05 acre Talbert tract and South line of said 11.05 acre Talbert tract a distance of 743.57 feet to a 1/2 inch iron pipe found for the Northeast corner of said 21.05 acre tract and the Southeast corner of said 11.05 acre tract, also being in the West line of a 5.70 acre tract of land recorded in Instrument number 95-0091053 Deed Records, Collin County, Texas to Kikuchi Living Trust;

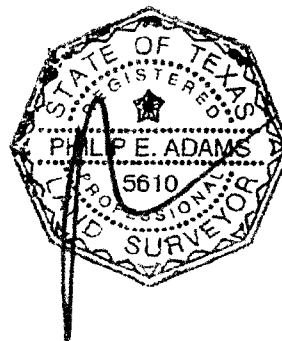
THENCE South 0 degrees 32 minutes 8 seconds East, leaving the common North and South line and along the West line of said Kikuchi tract, the west line of a 5.23 acre tract recorded in Volume 5424, Page 4662 Deed Records Collin County, Texas, to Hall Odie Living Trust, the West line of a 8.96 acre tract recorded in Instrument number 20130830001232590 Deed Records Collin County, Texas, to Baby and Annamma Abraham, the West line of 3.434 acre tract recorded in Volume 4875, Page 1078, Deed Records, Collin County, Texas, to Leroy Pritchard, a distance of 1213.37 feet to a 1/2 inch iron rod found for corner in the North right-of-way line of East Stone Road, also being the Southeast corner of said 21.05 acre Talbert tract and the Southwest corner of said 3.434 acre Pritchard tract;

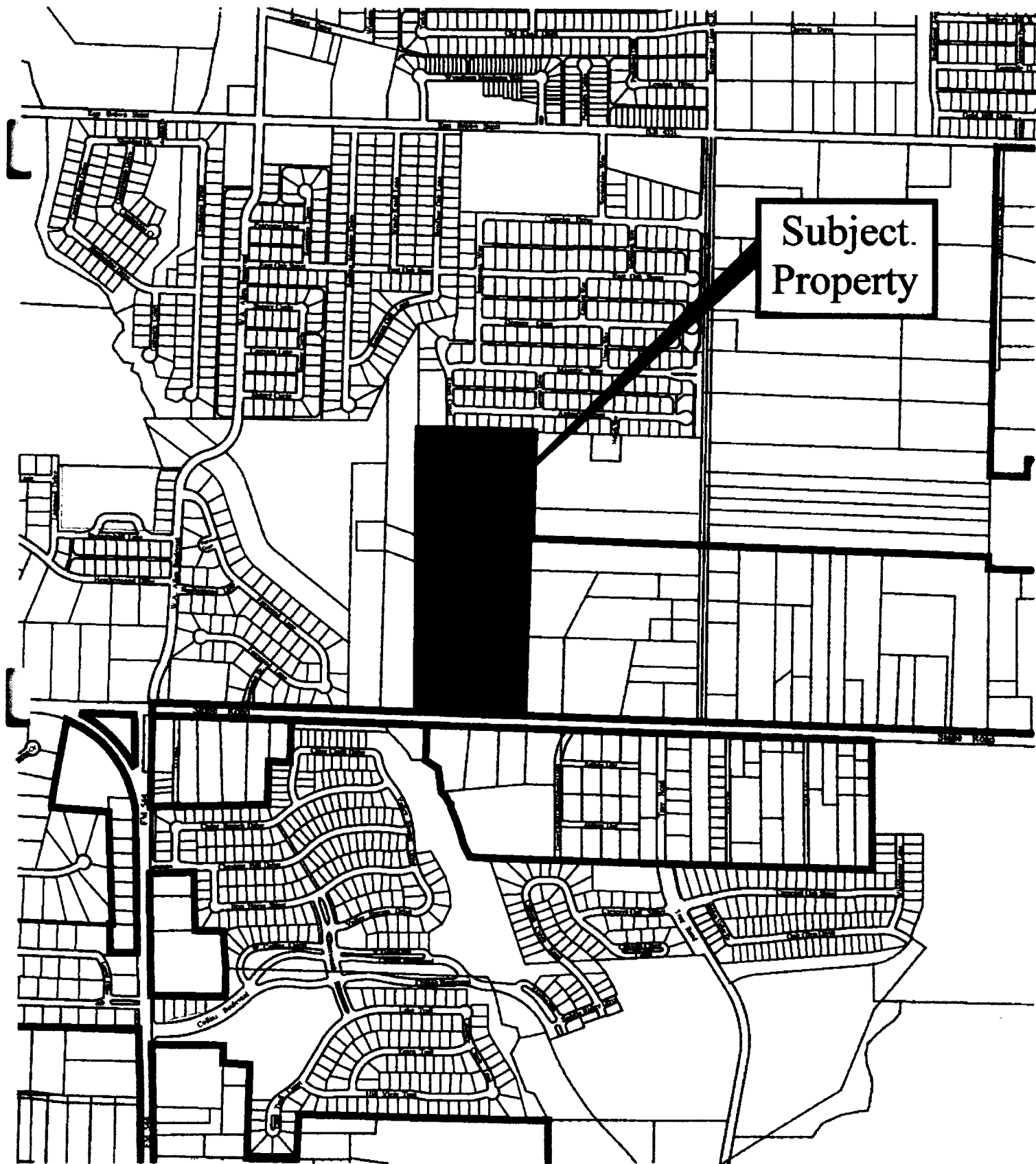
THENCE North 89 degrees 17 minutes 23 seconds West, leaving the West line of said Pritchard tract and along the North right-of-way line of said East Stone Road a distance of 762.45 feet to a 5/8 inch iron rod set with cap for corner stamped "ADAMS SURVEYING #5610", being the Southwest corner of said 21.05 acre Talbert tract and the Southeast corner of a 11.05 acre tract recorded in Volume 1078, Page 97, Deed Records, Collin County, Texas, to W.W. Housewright;

THENCE North 0 degrees 21 minutes 42 seconds East, leaving the North line of said East Stone Road and along the common line of said 11.05 acre Housewright tract and said 21.05 Talbert tract a distance of 1222.58 feet the POINT OF BEGINNING and containing 21.05 acres of land, more or less.

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Philip E. Adams, RPLS
President





LOCATION MAP
ANNEXATION CASE #2014-04

**CITY OF WYLIE, TEXAS
SERVICE PLAN FOR ANNEXED AREA
LEWIS RANCH TRACT**

ANNEXATION ORDINANCE NO.: 2015-12

DATE OF ANNEXATION ORDINANCE: February 24th, 2015

ACREAGE ANNEXED: 32.1 acres

SURVEY, ABSTRACT & COUNTY: Francisco de la Pina Survey, Abstract No. 688, Collin County, Texas

Municipal Services to the acreage described above shall be furnished by or on behalf of the City of Wylie, Texas (the "City"), at the following levels and in accordance with the following schedule:

A. POLICE SERVICE

1. Patrolling, responses to calls and other routine police services, within the limits of existing personnel and equipment and in a manner consistent with any of the methods of the City, extends police service to any other area of the municipality, will be provided within sixty (60) days of the effective date of the annexation ordinance.
2. As development and construction commence in this area, sufficient police personnel and equipment will be provided to furnish this area the maximum level of police services consistent with the characteristics of topography, land utilization and population density within the area as determined by the City Council within four and one-half (4-1/2) years from the effective date of the annexation ordinance, or upon commencement of development within the area, whichever occurs later.
3. Upon ultimate development of the area, the same level of police services will be provided to this area as are furnished throughout the City.

FIRE SERVICES

1. Fire protection by the present personnel and the present equipment of the Fire Department, within the limitations of available water and distances from existing fire stations, and in a manner consistent with any of the methods of the City, extends fire service to any other area of the municipality, will be provided to this area within sixty (60) days of the effective date of the annexation ordinance.
2. As development and construction commence in this area, sufficient fire and emergency ambulance equipment will be provided to furnish this area the maximum level of fire services consistent with the characteristics of

topography, land utilization and population density within the area as determined by the City Council within four and one-half (4-1/2) years from the effective date of the annexation ordinance, or upon commencement of development within the area, whichever occurs later.

3. Upon ultimate development of the area, the same level of fire and emergency ambulance services will be provided to this area as are furnished throughout the City.

C. ENVIRONMENTAL HEALTH AND CODE ENFORCEMENT SERVICES

1. Enforcement of the City's environmental health ordinances and regulations, including but not limited to, weed and brush ordinances, junked and abandoned vehicle ordinances and animal control ordinances, shall be provided within this area sixty (60) days of the effective date of the annexation ordinance. These ordinances and regulations will be enforced through the use of existing personnel.
2. Complaints of ordinance or regulation violations within this area will be answered and investigated within sixty (60) days of the effective date of the annexation ordinance.
3. Inspection services, including the review of building plans, the issuance of permits and the inspection of all buildings, plumbing, mechanical and electrical work to ensure compliance with City codes and ordinances will be provided within sixty (60) days of the effective date of the annexation ordinance. Existing personnel will be used to provide these services.
4. The City's zoning, subdivision, sign and other ordinances shall be enforced in this area beginning within sixty (60) days of the effective date of the annexation ordinance.
5. All inspection services furnished by the City, but not mentioned above, will be provided to this area beginning within sixty (60) days of the effective date of the annexed ordinance.
6. As development and construction commence in this area, sufficient personnel will be provided to furnish this area the same level of Environmental Health and Code Enforcement Services as are furnished throughout the City.

D. PLANNING AND ZONING SERVICES

The planning and zoning jurisdiction of the City will extend to this area within sixty (60) days of the effective date of the annexation ordinance. City planning will thereafter encompass this property, and it shall be entitled to consideration for zoning in accordance with the City's Comprehensive Zoning Ordinance and Comprehensive Plan.

E. PARK AND RECREATION SERVICES

1. Residents of this property may utilize all existing park and recreational services, facilities and sites throughout the City, beginning within sixty (60) days of the effective date of the annexation ordinance.
2. Additional facilities and sites to serve this property and its residents will be acquired, developed and maintained at locations and times provided by applicable plans for providing parks and recreation services to the City.
3. Existing parks, playgrounds, swimming pools and other recreational facilities within this property shall, upon dedication to and acceptance by the City, be maintained and operated by the City of Wylie, but not otherwise.

F. SOLID WASTE COLLECTION

1. Solid waste collection shall be provided to the property in accordance with existing City policies, beginning within sixty (60) days of the effective date of the annexation ordinance. Residents of this property utilizing private collection services at the time of annexation shall continue to do so until it becomes feasible because of increased density of population to serve the property municipally. Commercial refuse collection services will be provided to any business located in the annexed area at the same price as presently provided for any business customer within the City, upon request.
2. As development and construction commence in this property and population density increases to the property level, solid waste collection shall be provided to this property in accordance with the current policies of the City as to frequency, changes and so forth.
3. Solid waste collection shall begin within sixty (60) days of the effective date of the annexation ordinance.

G. STREETS

1. The City's existing policies with regard to street maintenance, applicable throughout the entire City, shall apply to this property beginning within sixty (60) days of the effective date of the annexation ordinance. Unless a street within this property has been constructed or is improved to the City's standards and specifications, that street will not be maintained by the City.
2. As development, improvement or construction of streets to City standards commences within this property, the policies of the City with regard to participation in the costs thereof, acceptance upon completion and maintenance after completion, shall apply.
3. The same level of maintenance shall be provided to streets within this property which have been accepted by the City as is provided to City streets throughout the City.

4. Street lighting installed on streets improved to City standards shall be maintained in accordance with current City policies.

H. WATER SERVICES

1. Connection to existing City water mains for water service for domestic, commercial and industrial use within this property will be provided in accordance with existing City policies. Upon connection to existing mains, water will be provided at rates established by City ordinances for such service throughout the City.
2. As development and construction commence in this property, water mains of the City will be extended in accordance with provisions of the Subdivision Regulations and other applicable ordinances and regulations. City participation in the costs of these extensions shall be in accordance with the applicable City ordinances and regulations. Such extensions will be commenced within two (2) years from the effective date of the annexation ordinance and substantially completed with four and one-half (4 1/2) years after that date.
3. Water mains installed or improved to City standards which are within the annexed area and are within dedicated easements shall be maintained by the City of Wylie beginning within sixty (60) days of the effective date of the annexation ordinance.
4. Private water lines within this property shall be maintained by their owners in accordance with existing policies applicable throughout the City.

I. SANITARY SEWER SERVICES

1. Connections to existing City sanitary sewer mains for sanitary sewage service in this area will be provided in accordance with existing City policies. Upon connection, sanitary sewage service will be provided at rates established by City ordinances for such service throughout the City.
2. Sanitary sewage mains and/or lift stations installed or improved to City standards, located in dedicated easements, and which are within the annexed area and are connected to City mains will be maintained by the City of Wylie beginning within sixty (60) days of the effective date of the annexation ordinance.
3. As development and construction commence in this area, sanitary sewer mains of the City will be extended in accordance with provisions of the Subdivision Regulations and other applicable City ordinances and regulations. Such extensions will be commenced within two (2) years from the effective date of the annexation ordinance and substantially completed within four and one-half (4 1/2) years after that date.

J. MISCELLANEOUS

1. Any facility or building located within the annexed area and utilized by the City in providing services to the area will be maintained by the City commencing upon the date of use or within sixty (60) days of the effective date of the annexation ordinance, whichever occurs later.
2. General municipal administrative services of the City shall be available to the annexed area beginning within sixty (60) days of the effective date of the annexation ordinance.
3. Notwithstanding, anything set forth above, this Service Plan does not require all municipal services be provided as set forth above if different characteristics of topography, land use and population density are considered a sufficient basis for providing different levels of service.
4. The Service Plan is valid for ten (10) years from the effective date of this Ordinance.